IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Letters Patent Appeal No. 206 of 2006
with
Civil Application No. 277 of 2006

Smt.Aditi Pramod Tapse ..Appellant

vs.

Vasant Dada Patil Shikshan
Sanstha and ors. ..Respondents

None for the appellant.
Shri A.G.Kothari for respondentno.1
Shri R.S.Apte for respondentno.3

CORAM: S.B.MHASE AND
Smt.V.K.TAHILRAMANI JJ.
29th January, 2007

P.C.

1. Heard.

2. Perused the order passed by the learned single Judge. The learned Counsel made a grievance in respect of the observations made in para 6 of the order. Those observations are pertaining to the grievance of the appellant inrespect of her resignation being accepted improperly. The learned single Judge therein has observed that if the appellant is aggrieved by such act of the management remedy is by way of an appeal and not in an appeal filed by other side. No illegality has been pointed out in respect of the said

observations. We find that the observations have been aptly made by the learned single Judge. The learned Counsel for the management states that the management has acted upon the resignation and thereafter has appointed respondent no.4 as a head mistress. Since the resignation has been acted upon and that has not been challenged the learned single Judge has only observed that it will be permissible if desired by the appellant to challenge the same. Thus the appropriate and proper remedy has been pointed out in favour of the appellant. Instead of following that remedy the L.P.A. has been preferred. We do not find any reasons to interfere with the impugned order. We refrain to entertain the L.P.A. L.P.A.is hereby rejected.

3. In view of rejection of the L.P.A. Civil Application No.277 of 2006 does not survive and hence rejected.

(Smt.V.K.TAHILRAMANI J.) **(S.B.MHASE J.)**

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